

REMARKS

In response to the above-identified Office Action, Applicants have amended their application and respectfully request reconsideration thereof.

Response to Drawing Objections – 37 CFR § 1.83(a)

The drawing is objected to under 37 CFR 1.83(a) because it failed to show network card 1 as described in the specification and failed to include adequate labeling (Item 6).

A replacement drawing has been submitted with adequate labeling. Further, the specification has been amended to improve consistency, by replacing two instances of the phrase 'network card' by 'DVB device'. This amendment is based on the description as originally filed, page 2, lines 20-21, where it is stated that the two phrases are used to denote the same device in the present application. Applicants respectfully submit that objections to the drawings under 37 CFR § 1.83(a) have been overcome and withdrawal of these rejections are requested.

Response to Drawing Objections – 37 CFR § 1.84(p)(4)

The drawing is objected to under 37 CFR 1.84(p)(4) because reference character "1" has been used to designate both network card and DVB device (Item 7).

As described above, the specification has been amended, by replacing two instances of the phrase 'network card' by 'DVB device'. Accordingly, as amended, the

drawing includes a reference character "1" that solely designates DVB device.

Applicants respectfully submit that the objection to the drawing under 37 CFR § 1.83(a) has been overcome and withdrawal of this rejection is requested.

Response to Drawing Objections – Other

The drawing is objected to because the same reference character "3" has not been consistently referred to throughout the specification (Item 8). Responsive to this objection the specification has been amended so that each instance of reference number 3 in the specification is now preceded by the word browser program.

The Office Action requires a new drawing because the submitted drawing is not of sufficient quality to permit examination and because it fails to show details that are described in the specification (Items 9 and 10). Responsive to this requirement a replacement drawing is submitted that has been prepared by a draftsman and that is further amended to show details that are described in the specification.

Amendment of Claims

Claims 1 and 5 have been amended to improve form.

Claim 5 has been amended to no longer multiply depend on prior claims.

Claim 4 is cancelled.

Claims 8 and 9 are added; however, these limitations previously appeared in claim 5 (see item 11).

Response to Claim Rejections – 35 USC § 112

Claim 5 has been rejected under 35 U.S.C. § 112 as being allegedly indefinite because a broad range or limitation together with a narrow range or limitation falls within the broad range or limitation in the same claim. Specifically, claim 5 is rejected because it recites the broad recitation "an external source, and also recites "preferably" which is a narrower range/limitation.

Claim 5, as amended, no longer recites "preferably from the internet or a broadcast service provider." These limitations now appear in claims 8 and 9 respectively.

Response to Claim Rejections – 35 USC § 102

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,351,467 to Dillon.

To anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

In response to the rejection of claim 1 on grounds of lack of novelty, it is submitted that the features of the invention as defined in claim 1 are not all directly and unambiguously disclosed in US 6,351,467. Specifically, US 6,351,467 does not teach that a number of URLs for broadcast services are defined as URLs and that the microcomputer is adapted to retrieve tuning information from a memory storing tuning information by means of a selected URL and to use the retrieved tuning information for

controlling the tuning means to receive broadcast signals from the corresponding broadcast service.

Instead, a Content Viewer 58 provides the user with the promotional material (i.e., through an Electronic Program Guide) that helps the user determine which channels to subscribe to (column 16, lines 53-57). Preferably, the EPG and its promotional content is structured like a web site -it is a collection of HTML pages with embedded graphics and other active content and a user indicates the desired channels by clicking on buttons, check boxes, etc. If no conditional access is implemented, the content viewer informs the package receiver of the user's subscription/unsubscription request and the package receiver starts receiving or ceases reception of the channel's packages as appropriate (column 20, lines 46-54). Thus, no mention is made of (i) the embedded graphics and other active content providing a link to a URL or (ii) a URL being used to retrieve tuning information stored in a memory in the system.

In connection with offline browsing, US 6 351 467 discloses that a content viewer receives requests for URLs from a browser and attempts to find them from a "cache" of URLs. The cache consists of the URL data items contained within the received packages from subscribed channels (column 22, lines 24-26) (underlining added). If a cache miss occurs, the content viewer allows the opportunity for the user to connect to the Internet to obtain seamless access to uncached web pages (column 23, lines 45-48). In other words, the URLs selected are not used to retrieve tuning information from memory, nor is tuning information retrieved in this way used for controlling the tuning means to receive broadcast signals from the corresponding broadcast service.

The passages quoted in the Office Action in relation to claim 2 do not disclose the retrieval of tuning information from memory by means of a selected URL and the use of the retrieved tuning information for controlling tuning means to receive broadcast signals from the corresponding broadcast service. Column 5, lines 22-26 teaches that a channel's content includes a plurality of URL data items. Column 6, lines 26-54 also teach only that a broadcast channel's content comprises URL data items ("packets containing URL data items" (line 26), "formatting the retrieved URL data item into packages fragmenting the packages into packets and transmitting the packets to a multicast network" (lines 35 and 38-39), "a channel's content includes a plurality of URL data items"(lines 46-47)).

Regarding the passage quoted in the Office Action in relation to claim 3, it is noted that this passage merely discloses that the multicast network may be an Ethernet, wherein the destination MAC address field carries the multicast address (column 16, lines 7-10). This passage thus merely discloses how IP packets are carried over an Ethernet, which is not at all relevant to the present invention. The quoted passage does not teach that a selected URL provides an IP address that is translated into a MAC address in the receiver 26 and used to access a memory for storing tuning information and to retrieve tuning information, nor that the retrieved tuning information is used to control tuning means to receive broadcast signals from the corresponding broadcast service.

The passage quoted in connection with claim 5 in the Office Action has been discussed above. The passage used in the Office Action as a basis for rejecting claims 6

and 7 again discloses merely that promotional material is accessed from an EPG's cached content and that stored web site channel content is displayed. This passage thus also fails to teach a memory for storing tuning information, retrieving tuning information from the memory by means of a selected URL, and use of the retrieved tuning information by the receiver 26 for controlling the tuning means to receive broadcast signals from the corresponding broadcast service.

In view of the above, it is submitted that the subject-matter of claim 1 is novel. As the feature not disclosed in US 6,351,467 is not obviously derivable from the passages in the prior art quoted in the Office Action, it is submitted that claim 1 is allowable.

Claims 2-3 and 5-7 relate to systems comprising all the features of the system defined in claim 1. As the subject-matter of claim 1 is deemed to be novel and non-obvious, it is submitted that claims 2-3 and claims 5-7 should also be deemed allowable.

Response to Claim Rejections – 35 USC § 103(a)

Claim 4 was rejected under 35 U.S.C. § 103(a), as being allegedly unpatentable over U.S. Patent No. 6,351,467 to Dillon in view of U.S. Patent No. 6,314,111 B1 to Nandikonda, et al..

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 103 for the reasons set out below. The prior art references when combined do not teach or suggest all of the claim limitations of the independent claims of the present application.

To establish a **prima facie** case of **obviousness**, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there

must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

If independent claim 1 is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claim 4 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, U.S. Patent No. 6,351,467 in combination with U.S. Patent No. 6,314,111 B1 does not teach or suggest each and every limitation of claim 4 as required to support rejections of the independent claims of the present application under 35 U.S.C. § 103.


In summary, Applicants believe that all rejections presented in the Office Action have been fully addressed and withdrawal of these rejections is respectfully requested. Applicants furthermore believe that all claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666.

If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact André Marais at (408) 947-8200 ext. 204.

Respectfully submitted,
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